

In the United States Court of Federal Claims

Filed: January 5, 2023

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IN RE: RAJ K. PATEL

No. 23-7028

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ORDER

On November 17, 2022, the Honorable Loren A. Smith issued an order directing the Clerk of Court “to accept no further ... complaints from Raj K. Patel without an order granting leave to file such filings from the Chief Judge of the United States Court of Federal Claims.” See Order, Patel v. United States, No. 22-1446 (Fed. Cl. Nov. 17, 2022), ECF No. 14. Judge Smith further ordered that, “[i]n seeking leave to file any future documents, [Mr. Patel] must explain how the submission raises new matters properly before this Court.” Id. In a subsequent anti-filing order, Judge Smith reiterated that the Clerk is to “accept no further complaints from Raj K. Patel without a motion for leave explaining how the complaint raises new matters properly before the Court.” See Order, Patel v. United States, No. 22-1446 (Fed. Cl. Dec. 9, 2022), ECF No. 16.

On December 1, 2022, the Clerk’s Office received a submission from Mr. Patel that includes several documents captioned as new complaints, one cover sheet captioned in the United States Court of Federal Claims, an application to proceed *in forma pauperis*, an e-notification consent form, and a “Motion for Leave to File to Initiate [sic] New Civil Action.” In his motion for leave, Mr. Patel seeks permission from the undersigned

... to file a brand-new civil action under RCFC 3 for claims under the Big Tucker Act, 28 U.S.C. § 1491, substantiated by money-mandated COVAID-19 [sic] Relief laws, including but not limited to the CARES Act and the American Recuse [sic] Plan Act, because those laws, as applied to [Mr. Patel], violated [his] Constitutional rights and other, precedential statutory and common law rights.

Mr. Patel’s motion for leave includes no further detail as to how his new complaint (or complaints) raise new matters properly before the Court. Mr. Patel requests, also, that the undersigned modify the filing restrictions imposed by Judge Smith as part of his November 17, 2022 Order.

Having carefully reviewed Mr. Patel’s motion for leave, the undersigned finds that he has failed to explain how the new matters he seeks to raise are properly before this Court. Mr. Patel’s justification for his new cause of action—namely, that pursuant to 28 U.S.C. § 1491, he has

recourse in the Court of Federal Claims to allege that identified COVID relief laws, as applied, violate his Constitutional, “precedential statutory,” and common law rights—is conclusory and lacks enough specificity to enable the undersigned to determine whether Mr. Patel’s claims potentially fall within the subject matter jurisdiction of this Court.

The undersigned declines, also, to modify Judge Smith’s November 17th Order imposing filing restrictions. Mr. Patel’s arguments in this regard are properly raised in the context of a motion for reconsideration or an appeal.

Accordingly, leave to file Mr. Patel’s December 1, 2022 submission is DENIED. The Clerk is directed to return the submission, unfiled.

In addition, in light of Mr. Patel’s history of filing frivolous lawsuits in district courts across the country,¹ Mr. Patel is hereby warned that in the event that he is granted leave to file any future complaint in the United States Court of Federal Claims, he will be required to pay in full the Court’s filing fee in order to proceed.

IT IS SO ORDERED.



ELAINE D. KAPLAN
Chief Judge

¹ Mr. Patel has filed numerous complaints in other jurisdictions that have been dismissed as frivolous. *See, e.g., Patel v. United States et al.*, 21-cv-4160 (W.D. Mo.); *Patel v. Biden et al.*, 21-cv-1076 (D.D.C.); *Patel v. United States*, 21-cv-22729 (S.D. Fla.); *Patel v. Martinez et al.*, 21-cv-241 (N.D. Ind.); *Patel v. Trump et al.*, 20-cv-454 (S.D. Ind.); *Patel v. Trump*, 20-cv-758 (S.D. Ind.); *Patel v. Biden et al.*, 21-cv-1345 (D. Nev.).